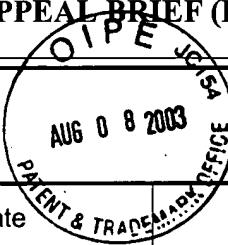


TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0314US

In Re Application Of: Arthur L. Gaudette

Serial No.
09/494,801Filing Date
January 31, 2000Examiner
Brian J. DetwilerGroup Art Unit
2173

Invention: Indicating the Differences Between Internet Web Pages

RECEIVED

AUG 11 2003

Technology Center 2100

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on June 3, 2003

The fee for filing this Appeal Brief is: \$320.00

- A check in the amount of the fee is enclosed.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504

Signature

Rhonda L. Sheldon, Reg. No. 50,457
 Trop, Pruner & Hu, P.C.
 8554 Katy Freeway, Suite 100
 Houston, Texas 77024
 (713) 468-8880 [Phone]
 (713) 468-8883 [Fax]

Customer No.: 21906

Dated: August 4, 2003

I certify that this document and fee is being deposited on August 4, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Debra Cutrona

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13
8-14-03
B. Hilliard
1 of 3

Applicant: Arthur L. Gaudette
Serial No.: 09/494,801
Filed: January 31, 2000
Title: Indicating the Differences
Between Internet Web Pages
Customer No.: 21906

§ Art Unit: 2173
§
§ Examiner: Brian J. Detwiler
§
§ Docket No. ITL.0314US (P7997)
§
§ Confirmation No.: 3975

RECEIVED

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 11 2003

Technology Center 2100

APPEAL BRIEF

Dear Sir:

Applicant hereby appeals from the Final Rejection dated March 10, 2003, finally rejecting claims 1-4, 6-11 and 13-23.

I. REAL PARTY IN INTEREST

The real party in interest is Intel Corporation, the assignee of the present application by virtue of the assignment recorded at Reel/Frame 010570/0423.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

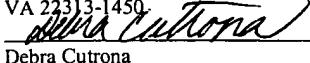
08/11/2003 AWONDAF1 00000072 09494801

01 FC:1402

320.00 DP

Date of Deposit: August 4, 2003

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.


Debra Cutrona

III. STATUS OF THE CLAIMS

The application was originally filed with claims 1-20. During prosecution, claims 5 and 12 were cancelled and claims 21-23 were added. Thereafter, claims 21-23 were cancelled. Claims 1-4, 6-11 and 13-20 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,933 (Ball et al.) and U.S. Patent No. 5,142,619 (Webster, III) and are presently on appeal.

IV. STATUS OF AMENDMENTS

There are no unentered amendments.

V. SUMMARY OF THE INVENTION

In accordance with one embodiment of the present invention, a web browser may include software to enable the differencing or subtraction of a cached web page from a currently available web page. Using the differencing functionality, one can determine what new features have been added to a given web page. This avoids the need to carefully scrutinize the new page and to manually compare it to the cached version of the web page.

For example, in one embodiment of the present invention, at the click of a mouse button, one can determine what are the differences between the old and new versions. The viewer can then examine only the changes to find the new information. Specification, p. 2, line 18 through p. 3, line 5.

Referring to Figure 1, an earlier version of an exemplary web page is illustrated. This page may be cached by the web browser. Figure 2 illustrates a later version of the same web

page. Referring to Figure 6, a browser navigation bar may include an icon labeled "subtract". When the user selects the subtract icon on the browser window navigation bar, the cached web page, illustrated in Figure 1, may be differenced or subtracted from a current web page indicated in Figure 2. The result is the difference between the cached and current web pages. The differences may be displayed as indicated in Figure 3.

Thus, in one embodiment of the present invention, when the user operates the navigation bar subtract icon, the cached version of a web page and the currently displayed version are automatically subtracted. As a result, only the new material contained in the current version is displayed, as illustrated in Figure 3.

Referring to Figure 4, the user initially launches a current web page as indicated in block 10. The browser then loads the current page from the web server as indicated in block 12. When the user mouse clicks on the subtract icon as indicated in block 14, the software compares the cached image for that web page to the current server image in one embodiment of the present invention. A display with the repeated information blanked may show only the new information, as indicated in block 16.

In one embodiment of the present invention, the software may be provided as a plug-in to an existing browser. In another embodiment of the present invention, the browser software may be originally provided with the subtract or differencing functionality.

With the subtract functionality, the user then has the option to toggle between a display which shows only the new information, such as Figure 3, and the current web page (block 18, Figure 4). This toggling may be implemented for example by repeatedly mouse clicking on the

subtract icon on a navigation bar, for example. Selecting the subtract icon the first time may display the difference image. Selecting the icon again returns the display to the current server image. Specification, p. 3, line 6 through p. 4, line 19.

Referring to Figure 5, a processor-based system 22 includes a processor 24 coupled to a chipset 26 in one embodiment of the present invention. The chipset 26 may couple a system memory 28, a graphics accelerator 30 and a display 32. In addition, the chipset 26 may be coupled to a bus 34 in turn coupled to an interface 36 which may be part of a chipset. The interface 36 in turn couples a hard disk drive 38 which may store the software 20. The software 20 may, in one embodiment of the present invention, be an embodiment of a web browser or may be plug in software which operates with an existing web browser. Specification, p. 4, line 20 through p. 5, line 4.

Instead of merely displaying only the new material, the new material may be displayed in a highlighted fashion. For example, new material may be underlined or may be displayed in different color so that the viewer can see the new material on the display of the current web page.

In still another alternative, instead of responding to the user's selection of an icon, the system may automatically provide an indication of the differences between the two web pages. For example, in one embodiment of the present invention, the current web page is initially, automatically displayed with highlighting, indicating the new material added to the cached web page. This avoids the need for the user to select the differencing functionality and still allows uninterrupted viewing of the current version of the web page. Specification, p. 5, line 10 through p. 5, line 24.

In still another embodiment of the present invention, instead of displaying only the new material, in one embodiment of the present invention, the new material may be displayed in one way and any deleted material may be displayed in another way. For example, in one embodiment of the present invention, new material may be indicated in one color and deleted material may be indicated in a different color.

As yet another embodiment of the present invention, the differencing software may determine whether there are different links provided in a new version of the web page. Thus, the new links, indicated by uniform resource locators, may be identified separately from other changes in response to a user inquiry. As still another alternative, any new links may be highlighted in a special way, such as by a distinct color. Specification, p. 5, line 25 through p. 6, line 14.

As still another embodiment of the present invention, in connection with web pages which provide chat or feedback information, any new feedback responses, which have been received since the last time the responses were checked by a user, may be highlighted or otherwise indicated. For example, in connection with stock comment pages, users may provide a running commentary of chat responses or messages on a given topic about a given stock. Instead of requiring the user to remember the user's last viewed response in the series of responses, a differencing mechanism may be utilized to determine the difference between the information last contained on the page and the information now on the page. Instead of displaying all of the information, the user may be provided with a list of only those new comments received after the user last checked the page.

If desired, the software 20 may also automatically or selectively cache each viewed page. This may ensure that a given page is available for subsequent comparison. Specification, p. 6, line 15 through page 7, line 7.

VI. ISSUES

- A. Are Claims 1 and 8 Unpatentable Over Ball in View of Webster, III?**
- B. Is Claim 15 Unpatentable Over Ball in View of Webster?**
- C. Is the Subject Matter of Claims 7, 14 and 19 taught by Ball?**

VII. GROUPING OF THE CLAIMS

Claims 1-4, 6-11 and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,933 to Ball et al. (hereinafter "Ball") and U.S. Patent No. 5,142,619 to Webster, III (hereinafter "Webster"). Claims 1-4, 6-11 and 13-20 do not stand or fall together. That is, claims 1-4, 6, 8-11 and 13 form a first group that is separately patentable from any other group. Further, claims 15-18 and 20 form a second group that is separately patentable from any other group. Claims 7, 14 and 19 form a third group that is separately patentable from any other group.

VIII. ARGUMENT

All claims should be allowed over the cited references for the reasons set forth below.

- A. Are Claims 1 and 8 Unpatentable Over Ball in View of Webster, III?**

Independent claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball in view of Webster, III. Independent claim 1 calls for enabling a processor-based system to

difference a cached version and a current version of an Internet web page, said current version being provided directly by a web server; enabling the system to indicate the difference between the cached and current versions; and providing a graphical user interface of a navigation bar with a subtract button image.

Similarly, independent claim 8 calls for differencing a cached version and a current version of an Internet web page, said Internet web page being provided directly by a web server, indicating the difference between said cached and current versions, and providing a graphical user interface of a navigation bar with a subtract button image.

Independent claims 1 and 8 are patentable over Ball and Webster for at least the following reasons. First, Ball fails to disclose differencing a cached version and a current version of an Internet web page where the current version is provided directly by a web server for differencing. Second, Webster and Ball fail to disclose providing a graphical user interface of a navigation bar with a subtract button image. Third, there is no suggestion, motivation or teaching to modify Webster and/or Ball. Thus, for at least these reasons, claims 1 and 8 are patentable.

1. Does Ball Teach Differencing a Cached Version and a Current Version of an Internet Web Page, the Current Version Being Provided Directly by a Web Server?

As stated above, independent claim 1 calls for enabling a processor-based system to difference a cached version and a current version of an Internet web page, the current version being provided directly by a web server. Further, claim 8 calls for differencing a cached version and a current version of an Internet web page, the Internet web page being provided directly by a

web server. Ball fails to disclose a web page obtained directly from the page's web server for differencing between a cached version and a current version of the Internet web page.

Ball describes a set of tools to detect when a World-Wide-Web (www) page has been modified and to present the modifications to the user through marked-up HTML. Column 10, lines 26-28. There are three basic tools, w3newer, snapshot, and htmdiff that are collectively referred to as NO HANDS. Column 10, lines 28-37. Generally, w3newer detects when a web page has changed and snapshot permits a user to store a copy of a web page and to compare any subsequent version of the page with the saved version. Column 10, lines 26-37. Htmdiff, on the other hand, marks up HTML text to indicate how a web page has changed from a previous version. *Id.* Of the three tools, only w3newer and snapshot request information over the Internet or pull page versions from a repository such as the World-Wide-Web. Column 20, lines 6-14. Htmdiff does not access web pages or compare versions. Column 20, lines 6-10. As such, htmdiff merely compares the text of two HTML pages without being version or web aware. Column 20, lines 6-10.

In particular, to run NO HANDS, a URL is saved in a hot list. Column 10, lines 51-54. Thereafter, w3newer periodically accesses the web to check for web page modifications. Column 11, lines 20-23. However, w3newer skips the periodic check if the page has been modified since the user last saw the page or if the page has been viewed by the user within some threshold time. Column 12, lines 23-27. Thus, a version available for comparison is only as current as the last check by w3newer. This alone suggests that the mark-up by htmdiff in Ball is not against a current version of a web page obtained directly from the web site server.

When w3newer detects a change, the change is reported to the user in the form of an HTML page with links to the page being tracked. Column 12, lines 5-9; column 20, lines 26-31. For example, w3newer associates three links with each document on the hot list, "Remember", "Diff" and "History". Column 20, lines 29-43. Each of the three links causes an action to be taken via the snapshot facility. *Id.*

The snapshot facility resides on an external service that is separate from both the content provider and the client. Column 15, lines 42-44; column 16, line 8. Generally, the snapshot facility accesses a version of a page, allows the user to save the version and later use htmdiff, to see how the page has changed. Column 11, lines 20-24; column 15, lines 14-17. Thus, Ball teaches copying pages and compare the text of copied pages on an external service.

In the Final rejection it is argued that Ball teaches a current version of a web page that can be provided directly from a web server. Paper No. 7, page 3. Specifically, it is reasoned that because Ball's "Diff" command may be chosen "to have the snapshot facility invoke htmdiff to display the changes in a page since it was last saved away by a user," and because "each new page can immediately be passed to htmdiff" a current version is being provided by a web server. Paper No. 7, page 5 citing Ball, column 20, lines 26-53.

These quotes in isolation do not take into consideration the teachings of the reference as a whole. First, as noted in the Office Action, choosing "Diff" causes the snapshot facility to invoke htmdiff. It is respectfully submitted that the snapshot facility copies the page to the External Service prior to invoking htmdiff. For example, a primary use of the invention, not just a form of the invention, is to have an External Service copy pages from a Repository such as the

WWW. Column 9, lines 28-31 compared with lines 47-49. The External Service performs a differencing between currently copied versions of pages and previous versions. Column 9, lines 36-38. The snapshot facility is described in conjunction with the External Service. Column 15, lines 18-21, 42; column 16, line 8. Further, NO HANDS is described as storing versions on a per-user basis and automatically comparing and presenting the differences between pages. Column 11, lines 14-20. In particular snapshot is described as saving versions of a page and later using htmdiff to see how a page has changed. Column 11, lines 20-27. Taken together, and with the knowledge that htmdiff does not access the Internet/WWW it is evident that pursuant to NO HANDS versions of a page are saved prior to text comparison with htmdiff.

Second, contrary to the Office Action's assertion that a new page is immediately passed to htmdiff; Ball actually states that a page that is reported as new, can be immediately passed to htmdiff. Column 20, lines 44-47. However, w3newer does the reporting (column 12, lines 4-8) and snapshot accesses page versions for saving. Column 16, lines 30-32; column 11, lines 23-25; column 15, lines 14-17. Thus, it is respectfully submitted that when reading the reference as a whole, after w3newer reports a page as new (e.g., after a periodic check) it may be passed to htmdiff via the snapshot facility. As such, this passage, in isolation is not believed to teach that which is suggested in the Office Action.

Further, w3newer and snapshot do not interact with the web browser. Column 20, lines 54-56. As such, the browser does not recognize when text has been compared by htmdiff. Column 20, lines 56-59. That is, text comparison may be on the External Service via the snapshot facility. Thus, the browser records the URL used for comparison and not the URL for

the web page proper. For the browser to recognize that a more recent version of the page has been viewed, the user must go back and view the page directly to remove it from the list of the modified pages. Column 20, lines 54-65. Recall, that w3newer will not check a page that is known to be modified since the user last viewed it. Thus, if the user does not go back and view the page directly via the browser, w3newer will not look for subsequent modifications. As such, there is the possibility that a differencing may be performed from a version of a page that is not the most recent version on the web page server.

In contrast, some embodiments of the present invention may be implemented in a web browser or a plug-in that operates with an existing web browser. Thus, the browser will register the URL of the web page as it is provided by the web server. Clearly, Ball teaches away from interaction with the web browser. As such, Ball fails to disclose providing a web page directly from the web site's server. For at least this reason, the rejection of claims 1 and 8 should be reversed.

2. Is it Obvious to Modify the Text Labels of Either Webster or Ball to an Image of a Minus Sign?

As previously stated, claims 1 and 8 call for providing a graphical user interface of a navigation bar with a subtract button image. The Examiner concedes that neither Ball nor Webster disclose a navigation bar with a subtract button image. See Paper No. 7, page 3. However, the Examiner concludes that it would have been obvious to a person of ordinary skill in the art to modify Webster's compare button [66] by changing the text "compare" to an image of a minus sign and to modify Ball to use a minus sign instead of "Diff." Paper No. 7, pages 3

and 4. It is respectfully submitted that there is no suggestion or motivation to change Webster's "compare" button or Ball's "Diff" link to an image of a minus sign.

If there ever were a case of inappropriate hindsight reasoning, it is this case. Generally, the rule is the Examiner cannot use that which the inventor has taught against its teacher to determine whether a person of ordinary skill would have been led to the specific combination of references. *See, e.g. W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983).

In the final rejection it is reasoned that "although the compare button [66] does not contain a subtract button image, the button behaves in a similar manner to the button in the claimed invention." Paper No. 7, page 3. (emphasis added). The rejection next states, "at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify compare button [66] by changing the label to an image of a minus sign." Paper No. 7, page 3. Thus, either no reason is given to modify Webster or the reason is predicated on what the Applicant has taught.

Thereafter, it is stated in the final rejection that:

Applicant has not disclosed that the minus sign image provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore would have expected Applicant's invention to perform equally well with a textual label because the button's behavior would remain the same. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ball's invention to use a minus sign image instead of a textual label.

Paper No. 7, page 3 through page 4. Once again, the motivation to modify is either lacking or it has been gleaned from the Applicant's disclosure. However, it is the Examiner's burden to

establish a *prima facie* case of obviousness. It is not until after the Examiner has met his burden that the burden shifts to the Applicant. The Examiner's reliance on the Applicant's invention against the Applicant is prohibited as stated in *W.L. Gore v. Garlock*. The Examiner has simply has not provided a suggestion or motivation of the desirability of changing Webster or Ball's textual label to a subtract button image. Thus, the burden of proof has not shifted to the Applicant. For this additional reason, the rejection of claims 1 and 8 should be reversed.

3. Is There a Suggestion or Motivation to Modify Ball to Replace the "Diff" Link With Webster's Compare Button?

Even if Webster's or Ball's text label are wrongly construed to be the same as a subtract button image there is no teaching or suggestion to modify Ball in view of Webster. To be obvious, "there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). Toward this end, particular findings must be provided; conclusory statements standing alone are insufficient evidence. *Id.* The Examiner merely concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the "DIFF" button disclosed by Ball with the compare button on a navigation bar as disclosed by Webster." Paper No. 7, page 4. The Examiner does not recite language in either Ball or Webster to support this conclusion. *See, e.g., Ex Parte Jones*, 62 U.S.P.Q. 2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) ("Moreover, when an Examiner maintains that there is an explicit or implicit teaching or suggestion in the prior art, the Examiner should indicate where (page and line or figure) such a teaching or suggestion appears in the prior art.").

Here, the rationale to combine is merely hindsight reasoning. The Final rejection suggests that a navigation bar with a compare button would be an improvement over Ball's invention "because the button would always be visible in a location where users would expect to find buttons for performing various actions on Internet web pages." Paper No. 7, page 4. This however is another conclusion based on nothing more than hindsight reasoning. Moreover, this hindsight reasoning is based on the Applicant's disclosure in that some embodiments of the present invention may be implemented in a web browser. Ball certainly does not teach his invention as being part of a web browser and specifically states that the tools of NO HANDS do not communicate with the web browser. Column 20, lines 54-65. Further, Webster is concerned with word processing. Column 1, lines 12-13. Thus, Webster has nothing to do with Internet web pages and navigation bars thereon. A *prima facie* case of obviousness simply has not been established. As such, for this additional reason, the rejections of claims 1 and 8 are respectfully requested to be reversed.

B. Is Claim 15 Unpatentable Over Ball in View of Webster?

Independent claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball in view of Webster, III. Independent claim 15 calls for a processor, a storage coupled to said processor, and said storage storing instructions that enable the processor-based system to difference a cached and a most current version of an Internet web page, said most current version being immediately received from a web server, indicate the difference between said cached and most current versions, and provide a graphical user interface of a navigation bar with a subtract button image. Independent claim 15 is patentable over Ball and Webster because Ball fails to

disclose differencing a cached version and a most current version of an Internet web page where the most current version is immediately received from a web server, Webster and Ball fail to disclose providing a graphical user interface of a navigation bar with a subtract button image, and there is no suggestion, motivation or teaching to modify Webster and/or Ball. Thus, for at least these reasons, claim 15 is patentable.

1. Does Ball Teach Differencing a Cached Version and a Most Current Version of an Internet Web Page, the Most Current Version Being Immediately Received from a Web Server?

As stated above, independent claim 15 calls for differencing a cached version and a most current version of an Internet web page, the most current version being immediately received from a web server. Ball fails to disclose a most current version being immediately received from a web server for differencing between a cached version and the most current version of Internet web page.

As described in detail in Section (A)(1) of this brief, NO HANDS, which is disclosed by Ball includes three tools, w3newer, snapshot, and htmldiff. Column 10, lines 28-37. Generally, w3newer detects when a web page has changed. Column 11, lines 20-23, column 12, lines 23-27. When a change is detected, w3newer reports to the user in the form of an HTML page. Column 12, lines 5-9; column 20, lines 26-31. The "Remember", "Diff" and "History" links found on the w3newer HTML page may each invoke the snapshot facility. Column 20, lines 29-43; Figure 13; column 2, lines 39-45.

Generally, snapshot permits a user to store a copy of an Internet web page and to compare subsequent versions of the page with the saved versions. Column 10, lines 26-37. The

snapshot facility resides on an external service that is separate from both the content provider and the client. Column 15, lines 42-44; column 16, line 8. Generally, the snapshot facility accesses a version of a page, allows the user to save the version and later use htmdiff, to see how the page has changed. Column 11, lines 20-24; column 15, lines 14-17.

Htmdiff, marks up HTML text to indicate how a web page has changed from a previous version. *Id.* Of the three tools, only w3newer and snapshot request information over the Internet or pull page versions from a repository such as the World-Wide-Web. Column 20, lines 6-14. Htmdiff does not access web pages or compare versions. Column 20, lines 6-10. As such, htmdiff merely compares the text of two HTML pages without being version or web aware. Column 20, lines 6-10. Thus, whenever the user chooses "DIFF," the snapshot facility invokes htmdiff. Column 20, lines 37-39. Htmdiff may then compare the text of two saved versions of a web page. Column 11, lines 20-27.

W3newer and snapshot do not interact with a web browser. Column 20, lines 54-56. As such, the browser does not recognize when text has been compared by htmdiff. Column 20, lines 56-59. That is, differencing may be on the External Service via the snapshot facility. Thus, the browser records the URL used for differencing and not the URL for the web page proper. For the browser to recognize that a more recent version of a web page has been viewed, the user must go back and view the page directly to remove it from the list of the modified pages. Column 20, lines 54-65. W3newer will not check a page that is known to be modified since the user last viewed it. Column 12, lines 23-27. Thus, if the user does not go back and view the page directly via the browser, w3newer will not look for subsequent modifications. As such,

there is the possibility that a differencing may be performed from a version of a page that is not the most recent version of the web page that resides on the web server. Further, it is clearly stated that snapshot saves versions of a web page and later compares text with htmdiff. Column 11, lines 20-27; see also, column 9, lines 28-38; column 15, lines 18-21, 42; column 16, line 8. Taken together along with the fact that htmdiff does not access the Internet, it is respectfully submitted that a most current version of a web page is not immediately received from a web server. For at least this reason, the rejection of claim 15 should be reversed.

2. Is it Obvious to Modify the Text Labels of Either Webster or Ball to an Image of a Minus Sign?

As previously stated, claim 15 calls for providing a graphical user interface of a navigation bar with a subtract button image. As previously explained in Section (A)(2) of this brief, the Examiner has not presented a suggestion or motivation to modify either Ball or Webster to include a subtract button image that was not based on improper hindsight reasoning using the Applicant's disclosure as a framework. As such, a *prima facie* case of obviousness has not been established. Accordingly, the rejection of claim 15 should be reversed.

3. Is There a Suggestion or Motivation to Modify Ball to Replace the "Diff" Link With Webster's Compare Button?

Even if Webster's or Ball's text labels are wrongly construed to be the same as a subtract button image there is no teaching or suggestion to modify Ball in view of Webster. As explained in Section (A)(3) of this brief, the Examiner's conclusion that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the Diff button disclosed

by Ball with the compare button on a navigation bar as disclosed by Webster" is based on improper hindsight reasoning using the Applicant's disclosure as a framework. Paper No. 7, page 4. The Examiner does not recite language in either Ball or Webster to support his conclusion. *See, e.g., Ex Parte Jones*, 62 U.S.P.Q. 2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) ("Moreover, when an Examiner maintains that there is an explicit or implicit teaching or suggestion in the prior art, the Examiner should indicate where (page and line or figure) such a teaching or suggestion appears in the prior art").

Moreover, Ball does not teach his invention as being part of a web browser and specifically states that the tools of NO HANDS do not communicate with the web browser. Further, Webster is concerned with word processing. Column 1, lines 12-13. Thus, Webster has nothing to do with Internet web pages and navigation bars thereon. A *prima facie* case of obviousness simply has not been established. As such, for this additional reason, the rejection of claim 15 is respectfully requested to be reversed.

C. Is the Subject Matter of Claims 7, 14 and 19 taught by Ball?

Dependent claims 7, 14 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball in view of Webster. Specifically, Ball is indicated in the Office Action as teaching the subject matter of claims 7, 14 and 19. As an example, dependent claim 14 calls for an article further storing instructions that cause a processor-based system to enable the user to toggle between indicating the difference between cached and current versions and indicating a current version.

The Examiner does not indicate in the Final rejection where Ball teaches enabling the user to toggle between indicating the difference between a cached and a current version and indicating the current version. *See, e.g., Ex Parte Jones*, 62 U.S.P.Q. 2d 1206, 1208 (Bd. Pat. App. & Inter. 2001). As such, it is stated in the Office Action that using the "back" and "forward" functions of a web browser would allow a user of Ball's system to toggle between the differenced version and the current version. Paper No. 7, page 4. However, Official Notice was not taken. Thus, this conclusion is not supported by cited references.

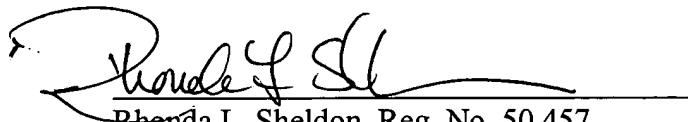
Nevertheless, if using the back and forward functions of a web browser were wrongly considered as evidence, the use of these two functions still does not teach toggling. For example, to move backward, one would have to mouse click on the "back" arrow and to move forward, the user would have to mouse click on a different arrow, the "forward" arrow. In contrast, according to some embodiments of the present invention, the user merely has to mouse click on the subtract button image to toggle between the difference between the cached and the current version and the current version of a web page.

Thus, because Ball does not teach toggling and because Official Notice has not been taken, the rejection of claims 7, 14 and 19 should be reversed. Further, even if the Examiner's unsupported conclusions are considered, they still do not teach toggling. For at least these reasons, the rejection of claims 7, 14 and 19 should be reversed.

IX. CONCLUSION

The Applicant requests that each of the final rejections be reversed and that the claims subject to this appeal be allowed to issue.

Respectfully submitted,



Date: August 4, 2003

Rhonda L. Sheldon, Reg. No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024-1805
713/468-8880 [Phone]
713/468-8883 [Facsimile]

Customer No. 21906

APPENDIX OF CLAIMS

1. A method comprising:

enabling a processor-based system to difference a cached version and a current version of an Internet web page, said current version being provided directly by a web server; enabling the system to indicate the difference between said cached and current versions; and

providing a graphical user interface of a navigation bar with a subtract button image.

2. The method of claim 1 wherein indicating includes causing the difference

between said cached and current version to be displayed.

3. The method of claim 2 wherein indicating the difference includes blanking the

common material between the cached and current versions.

4. The method of claim 1 wherein causing a processor-based system to difference

the cached version and the current version includes providing a user selectable graphical button image and enabling the user to select the button image to cause a processor-based system to difference a cached version and a current version.

6. The method of claim 1 including enabling the system to difference a cached

version and a current version when the button image is mouse clicked on.

7. The method of claim 1 further including enabling the user to toggle between indicating the difference between said cached and current versions and indicating the current version.

8. An article comprising a medium for storing instructions that enable a processor-based system to:

difference a cached version and a current version of an Internet web page, said Internet web page being provided directly by a web server;
indicate the difference between said cached and current versions; and
provide a graphical user interface of a navigation bar with a subtract button image.

9. The article of claim 8 further storing instructions that cause a processor-based system to cause the difference between said cached and current versions to be displayed.

10. The article of claim 9 further storing instructions that cause a processor-based system to blank the common material between the cached and current versions.

11. The article of claim 8 further storing instructions that cause a processor-based system to provide a user selectable graphical button image and enable the user to select the button image to cause a processor-based system to difference a cached version and a current version.

13. The article of claim 8 further storing instructions that enable a processor-based system to difference a cached version and a current version when the button image is mouse clicked on.

14. The article of claim 8 further storing instructions that cause a processor-based system to enable the user to toggle between indicating the difference between said cached and current versions and indicating the current version.

15. A system comprising:

- a processor;
- a storage coupled to said processor; and
- said storage storing instructions that enable the processor-based system to difference a cached and a most current version of an Internet web page, said most current version being immediately received from a web server, indicate the difference between said cached and most current versions, and provide a graphical user interface of a navigation bar with a subtract button image.

16. The system of claim 15 wherein said storage stores instructions for causing a button image to appear in a browser window which when clicked on automatically causes the cached version and the current version of an Internet web page to be differenced.

17. The system of claim 16 including a display coupled to said processor, said storage storing instructions that cause the difference between said cached and current version to be displayed on said display.

18. The system of claim 16 wherein said image may be mouse clicked on to select a feature associated with said image.

19. The system of claim 17 wherein said storage stores instructions that cause a processor-based system to enable the use to toggle between indicating the difference between said cached and current versions and indicating the current version.

20. The system of claim 15 wherein said storage stores instructions that cause the processor to enable the user to select a button image to cause a processor-based system to difference the cached and current versions.